

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD J. NICHOLAS,

Petitioner,

v.

COMMONWEALTH OF
PENNSYLVANIA, et al.,

Respondents.

Civil Action No. 05-279 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on September 27, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on September 27, 2005, recommended that this action be transferred to the United States District Court for the Eastern District of Pennsylvania. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. Petitioner filed objections on October 4, 2005 [Doc. No. 4]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 6th day of October, 2005;

IT IS HEREBY ORDERED that this action is to be transferred to the United States District Court for the Eastern District of Pennsylvania.

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on September 27, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge